

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: June 10, 2008
Land Use Action Date: August 5, 2008
Board of Aldermen Action Date: August 11, 2008
90-Day Expiration Date: September 8, 2008

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner
Jean Fulkerson, Principal Planner

DATE: June 6, 2008

SUBJECT: #179-08 FB NEWTON PROPERTIES, LLC/FB NEWTON PROPERTIES c/o
PARAGON PROPERTIES petition for SPECIAL PERMIT/SITE PLAN
APPROVAL to demolish an existing retail/restaurant building and to construct a
new building for retail/restaurant building with a basement and rooftop parking at
215-277 NEEDHAM STREET, Ward 5, on land known as Sec 51, Blk 28, Lot
8G, containing approx 70,837 sf of land in a district zoned MIXED USE 1.

CC: Mayor David B. Cohen
Undergrounding Task Force, Chair

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis, which may be useful in the special permit decision-making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent working session.

EXECUTIVE SUMMARY

The petitioner is requesting an amendment to Board Order #610-89 to allow the demolition of the retail building at 215-277 Needham Street, which includes Filene's Basement and Papa Gino's, and the construction of a new retail and restaurant building, along with new and renovated parking facilities. The building to be demolished is 33,779 square foot and the new structure will be 70,837 square feet and will include Filene's Basement along with two other tenant spaces. Filene's Basement will occupy the most prominent corner space and the two tenant spaces will be accessed from pedestrian entrances off Tower Road and within the parking

garage. All the retail/restaurant space will be accessible via elevators or stairs from all parking levels.

The existing parking structure will remain, but will be modified to allow access into the retail building and access to additional parking. The existing garage will be tied into the new structure and will provide ramped access up to roof level parking area. Additional parking will be provided in a basement level parking area below the new retail building

The building design features a large glass walled atrium located at the corner of Tower Road and Needham Street, which will provide high visibility for Filene's Basement. ***The site plan take into consideration the future widening of Needham Street and accommodates the proposed right-of-way in the site design for realignment of the intersection of Tower Road/Industrial Place and Needham Street.*** Overall this project has the potential to upgrade the appearance of the Needham Street streetscape. The new building will be pulled farther away from the front setback, allowing additional landscaping and a plaza area at the corner of Needham Street and Tower Road. The materials for the exterior cladding of the structure have not been selected.

The November 2007 *Newton Comprehensive Plan* notes that Needham Street is in transition, as former industrial properties move out and commercial and residential use join or replace them. The more recent developments on Needham Street are beginning to define the future character of this street and are establishing a new vernacular and streetscape features. Meanwhile the planned reconstruction of Needham Street will further define its potential for land uses, visual character, and accessibility by all modes of transportation. For now, single changes in use (or redevelopment) are occurring in an unplanned fashion, one parcel at a time. Land use decisions along this corridor should be made within the context of a framework or vision for the entire corridor. Unfortunately, the City is not at a point where this level of area or neighborhood planning is underway on Needham Street.

SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board of Alderman should consider whether:

- > the use as developed and operated will not adversely affect the Needham Street corridor;
- > the mass and scale of the proposed building will not adversely affect the immediate abutters or the Needham Street corridor;
- > the impact of additional vehicle trips and expanded parking will not have a negative effect on the Needham Street corridor;
- > the request to reduce parking by two spaces will not adversely affect parking on the surrounding streets; and
- > the proposed building's design, construction, maintenance or long-term operation will contribute significantly to the efficient use and conservation of natural resources and energy.

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Background

Prior to 1990, the structure at 215-245 Needham Street was used for research and development, storage, and two restaurants. The existing structure was approved

under BO #610-89, when the building was expanded to accommodate Filene's Basement and Papa Gino's and a total of 135 parking stalls were provided in a combination of structured and surface parking.

B. Site Characteristics

The site is located at a prominent location on the southwest corner of the intersection of Tower Road/Industrial Place and Needham Street, at the crest of a slight rise in Needham Street. The lot is 70,836 square feet in area with a 33,779 square foot

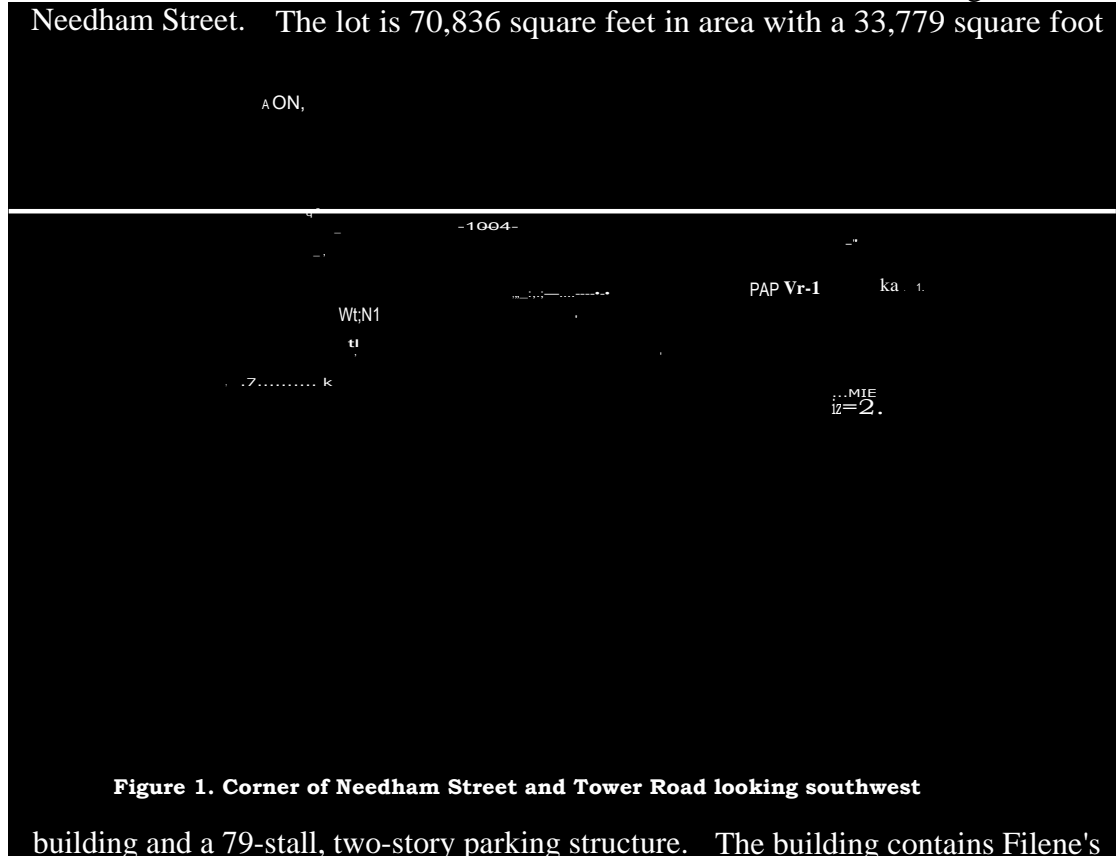


Figure 1. Corner of Needham Street and Tower Road looking southwest

building and a 79-stall, two-story parking structure. The building contains Filene's Basement (women's clothing retail shop) and a Papa Gino's restaurant and is setback only 3.5 feet from the property line on the Needham Street. Existing landscaping is minimal.

C. Neighborhood and Zoning

Needham Street continues to transition from manufacturing uses to retail uses within Mixed Use 1 and 2 Zoning Districts. Change typically happens on a parcel by parcel basis with structures redeveloped or upgraded one at a time. One such recent addition is the building at 300 Needham Street (self-storage facility with retail storefronts), completed in 2006. To the south is Paragon Office Towers, a five-story office building with a parking structure in the rear. The area behind the subject site (to the south and west) may be redeveloped in the near future with access off Oak Street, Needham Street and Tower Road is likely to be an important access point. Other retailers are located across Tower Road (to the north) and across Needham Street (to the east).

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use.

The use of the site under the proposal will remain as retail/restaurant uses, but the overall scale and intensity of the uses themselves will increase. Where Filene's Basement and Papa Gino's now occupy one-floor structure of 33,779 square feet, the proposed Filene's Basement will include two floors with an interior escalator and substantially more selling space; there will be a combined total of 70,837 square feet for a total of three tenants. By way of comparison, Linens and Things at 260 Needham Street is located in a 36,000 square foot structure, and the structure at Marshall's Plaza at 275-281 Needham Street is 50,720 square feet, with Marshall's (department store) occupying over half of that space.

B. Buildings and Site Design

The retail/restaurant portion of the site will increase in size from 33,779 square feet to 70,837 square feet. The increase in size will be achieved by constructing a two-story building with a larger footprint. One benefit of this proposal is the increase in the setback on Needham Street from 3.5 feet to 18.3 feet. This is offset by a decrease in the setback on the Tower Road. At present, the existing building

(excluding the parking garage) is set back 37.5 feet with surface parking in front of it; the

Figure 2. Tower Road, parking garage in rear

proposed setback is 20 feet. The overall mass of the new building will be much closer to the Tower Road lot line and will match the setback of the existing garage, which will create a more consistent edge around the site on both frontages and allow for future roadway widening without obstructions. The parking area that is shown in the above photo will be eliminated if the new structure is built as proposed; a new building will be aligned with the edge of the existing parking garage, just visible through the trees.

The height of the new structure, as defined by the City's Zoning regulations, is 35.9 feet, measured from the average grade to the decking on the rooftop. Surrounding the decking is a five-foot high parapet wall and the ornamental atrium rises another 11 feet above the parapet. The total height as it will appear from southbound traffic on Needham Street is 52.5 feet, or approximately the same height as the five-story office building next door at 233 Needham Street.

The height of the structure is not necessarily a drawback when considered in the context of a redeveloped Needham Street corridor. In the short term, it is likely to be the most visible building on Needham Street. The streetscape of the site will be improved with planter beds and lawn area along the Needham Street frontage. On Tower Road, the streetscape will be improved with a stamped concrete plaza, planted beds, and outdoor dining for the restaurant tenant(s).

C. Parking and Circulation.

Parking will be provided within the renovated parking structure at the rear of the site. Vehicles will enter from

Tower Road and drivers may take the ramp to upper levels of parking, including the roof, or down to underground parking. The Planning Department suggests the petitioner designate one area, potentially the roof, for employee parking to ensure the most convenient parking spaces are available for customers and to minimize the number of cars circulating within the structure in search of convenient parking spaces.

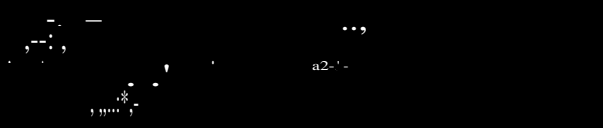


Figure 3. Parking garage entrance

Most patrons on the site are likely to enter the retail/restaurant uses via the entrances from the parking garage. Although there usually are few pedestrians along Needham Street, there is a ceremonial pedestrian-oriented entrance at the corner of Needham Street and Tower Road that is consistent with plans for the reconstruction of Needham Street and enhanced pedestrian environment.

Planning Department staff raised several concerns specific to the parking structure, including the parking clearances under the cantilevered mechanical systems; reduced maneuvering aisles; the intrusion of columns into the parking spaces, which renders the spaces non-compliant; and handicap spaces that do not meet the requirements of the City's Zoning Ordinance. Planning Department staff has no concerns regarding the waiver of two parking spaces as this is necessitated by seasonal outdoor seating related to the restaurant use and should have no impact on the surrounding area.

D. Traffic and Reconstruction of Needham Street.

The petitioner has provided a traffic analysis of the intersections nearest the proposed project. This study evaluated capacity during: 1) existing conditions, 2) conditions in five years *without* the project, and 3) conditions in five years with the project completed as proposed and the businesses fully operational. The analysis concluded that when the proposed building is constructed and fully occupied, there will be an estimated 75 new vehicle trips (39 entering and 36 exiting) per peak hour on Saturdays and an additional 50 new vehicle trips at peak time on weekday evenings. While this is not considered to be a significant impact to area traffic

operations, the existing traffic on Needham Street is already near or at capacity (LOS - F) at times.

The proposed elimination of two driveways and a single point of entry at the west end of Tower Road, should reduce potential conflicts and provide queuing into the parking structure as far away from the intersection at Needham Street as possible. However, further mitigations are recommended (consistent with plans for the reconstruction of the Needham Street corridor), including installation of a traffic signal at the intersection of Needham Street with Tower Road and Industrial Place. For a previous project (under BO #610-89), this petitioner made a financial contribution towards a traffic signal at this intersection. Its installation along with realignment of Tower Road/Industrial Place and Needham Street, as currently proposed in the City's 25% design plans for the corridor, should improve the Level of Service from F to C or D at peak times over what it is today, even with this project in full operation.

In anticipation of future street realignment, the petitioner has submitted two designs for the corner of Tower Road and Needham Street that allow for intersection realignment without major disturbance to the site or initial improvements. Before any improvements are made, there will be a plaza on the corner and planters on both street frontages. The placement of the planters on Tower Road follow the proposed realignment so that when reconstruction occurs, the planters will remain intact and only bordering vegetation and the outlying pavers will need to be removed. The petitioner requests approval of both sets of plans so when the realignment occurs, the revised design will already be approved and road reconstruction can proceed with minimal disruption, cost or delay to the business operations.

E. Screening and Landscaping

Landscaping is focused on the pedestrian plaza at the corner of Needham Street and Tower Road. The features of this area include decorative paving, brick planters with a limestone cap, plant materials highlighting the edges of the plaza that include seasonal color and daylilies, and 26 bicycle parking spaces. Additional landscaping will also be added along Needham Street where currently there is none and plant materials include junipers, rhododendrons, spirea, viburnum, and lilacs, which are easy to grow and maintain in this climate. Larger evergreen trees surround the rear of the site, but there are no trees planted on the frontages, which would provide a canopy and enhance the pedestrian experience and streetscape.

A total of eight trees will be removed from the site, along with two street trees that are interfering with overhead wires. The petitioner believes that with the addition of evergreens along the side and rear of the site the proposal will meet the requirements of the City's Tree Preservation Ordinance. The petitioner should be expected to provide additional information on this subject at the public hearing. As for the street tree removal, the petitioner intends to meet the requirements of the City's street tree removal policy.

F. Lighting

The submitted photometric plan shows that the lighting meets the minimum one foot-candle requirement in the parking areas, but the lighting appears to spillover onto adjacent properties, particularly in the rear corner along Tower Road and the adjacent property at 30 Tower Road. The petitioner should be expected to provide additional information on this subject at the public hearing.

The addition of rooftop parking and lighting, and lighting within the ornamental atrium will bring even more attention to this very prominent site that will be evident from quite some distance. The rooftop lighting poles are indicated at 16 feet. *The Planning Department strongly recommends that the petitioner consider shorter poles or alternative ways of providing ambient light that will reduce the impact of the site on the immediate area.* In addition, the petitioner should consider turning off the rooftop lighting with a reasonable time after the close of the retail business. The petitioner also should describe how lighting within the ornamental atrium would be managed.

G. Signage.

The location of the site on the crest of Needham Street makes the property very prominent. The existing one-story building is easily viewed from a distance and will be even more prominent upon completion of construction of the two-story building, which is proposed to be 35.9 feet with a 52.5-foot high corner glass atrium. Along with Paragon Office Towers, this structure will be one of the two highest structures on Needham Street and will be visible to both northbound and southbound traffic. The atrium is likely to have prominent displays inside and banners outside, which will further attract retail customers. The visibility of the site means that signage needs to be carefully considered.

The petitioner proposes to install two independent freestanding signs. The first pole sign, is intended to replace the ground level parking sign approved under BO #610-89 and will advertise the presence of Filene's Basement and the two other retail spaces. A second freestanding sign is proposed to be located in the pedestrian plaza in the form of a decorative clock with Filene's Basement identification below. While two freestanding signs near the corner could be considered unnecessary, they are of different styles and functions and are visually separated so as not to clutter the sidewalks or compete with each other and the clock offers a traditional decorative element near the main entry. However, the sign with tenant identification would be just as effective if decreased in size and lowered so it is more at eye level.

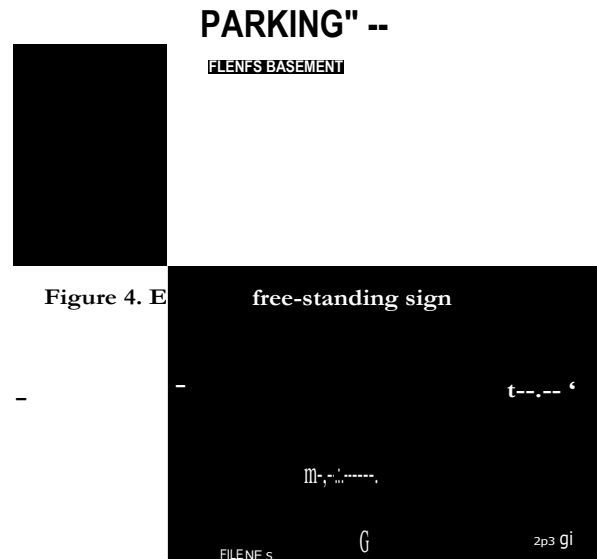


Figure 4. E

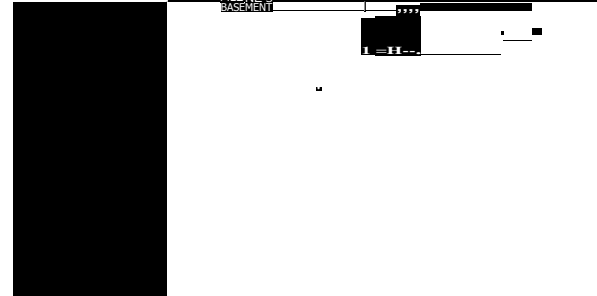


Figure 5. Looking south on Needham Street

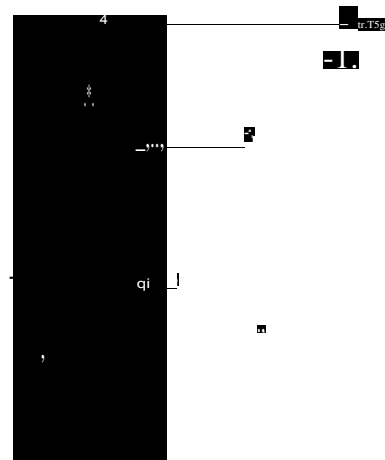


Figure 6. Looking south on Needham Street

The petitioner also requests approval of six secondary signs mounted on the building, three identifying Filene's Basement. Three signs will face Tower Road, one would face Needham Street, and two are proposed on the south-facing elevation adjacent to Paragon Office building to capture the view of northbound traffic. ***Each of the signs is 96 square feet in area and, in the opinion of Planning Department staff, appears to be in excess of what is necessary for easy identification.*** As buildings on Needham Street are redeveloped and upgraded, the type of signage that is found on the street should be upgraded as well and should move away from suburban strip-mall signage intended to attract vehicles moving at a high rate of speed. While it is important for signage identifying tenant #2 and #3 to be visible from Needham Street, especially for northbound traffic, more modest signs could be used effectively to identify the businesses.

Lastly, there are a series of banners hung vertically along the front of the glass atrium that are considered signs. Originally proposed to have advertising on them, they now are proposed to be colorful decorative elements on the building. The petitioner should be expected to provide additional information on the colors and sizes of these banners at the public hearing.

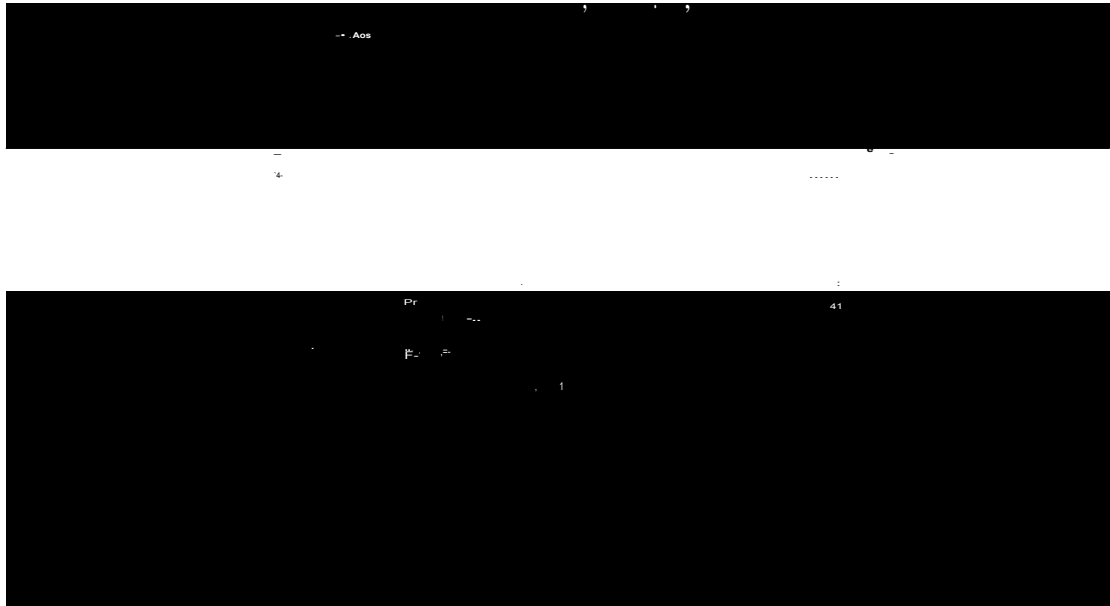


Figure 7. Needham Street, with Paragon Tower on left, subject site on right

III. COMPREHENSIVE PLAN

The November 2007 *Newton Comprehensive Plan* notes that, historically, there has been no real vision for Needham Street. The area has morphed from an industrial area into a mix of commercial with some residential uses and related activities, slowly nudging out the former industrial ones. For now, single changes in use (or redevelopment) are occurring in an unplanned fashion, one parcel at a time. The result is an eclectic mix of uses and building styles along a straight and sometimes-congested roadway dominated by overhead wires and no particular sense of place. Land use decisions along this corridor should be made within the context of a framework or vision for the entire corridor. Unfortunately, the City is not at a point where this level of area or neighborhood planning is underway on Needham Street.

The future of the street is further complicated by traffic constraints and the uncertainties as to how these will be addressed for the long term. The *Newton Comprehensive Plan* suggests that special attention be given to enhancing the streetscape and attention to building scale, both of which can contribute to creating a sense of place. Reducing curb cuts so there are fewer interruptions to pedestrian pathways will help to enhance walkability between the activity centers, as will other amenities and landscaping. This project improves the streetscape and provides opportunities for outdoor social activities by proposing usable outdoor spaces including a patio, sidewalk seating, and bike racks, and by eliminating two curb cuts. The building is in scale with the adjacent building and its architecture makes a statement not seen previously in this area. The site plan and architecture of this prominent structure are important, as they may set the tone for other similar projects, which collectively, will contribute, to a new and reconstructed Needham Street corridor.

IV. TECHNICAL REVIEW

A. Technical Considerations, Sec. 30-15. The Zoning Review Memorandum dated May 9, 2008 (*SEE ATTACHMENT "A" 9*) provides an analysis of the proposal with regard to Section 30-15 Table 3. *A special permit is required for a building of 20,000 sq.ft. or larger.* In all other aspects the proposal meets the requirements of Table 3.

B. Parking Requirements (Section 30-19). Table 30-19 Parking Facility Design of the Zoning Review Memorandum provides an analysis of the layout with regard to the City's Zoning Ordinance. Among the requested relief is a parking waiver of two spaces, reduced maneuvering aisles, reduced parking stall dimensions caused by the intrusion of columns into the parking spaces, and non-compliant handicap spaces. In addition, there is light spill over beyond the property line.

C. Energy Efficiency. In cases involving construction of buildings and/or structures of 20,000 or more square feet in gross floor area, the City's Zoning Ordinance now requires in Sec.30-24(d)(5) that *"the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy."*

The petitioner expects to summarize at the public hearing the initiatives that will be taken to meet this criterion, including the presence of solar panels on the roof of the

decorative atrium. A full report will be provided to the Land Use Committee prior to this item being scheduled for Working Session.

D. Other Reviews

1. Engineering. The Associate City Engineer reviewed the proposed redevelopment plans and included his comments in a memorandum dated June 5, 2008 (*SEE ATTACHMENT "B"*).
2. Underground Wiring. The City's Undergrounding Task Force, Chaired by Lois Biener, has focused on undergrounding wires on Needham Street for more than (the past) two years. Former DPW Commissioner Rooney worked with NSTAR and other utilities to estimate the cost of undergrounding wires at roughly \$400-500 per linear foot. As a first step towards undergrounding, the City needs to work with these local utility companies to develop plans for this important initiative. The cost for development of such plans was estimated at \$125-150k. Prior to this item being scheduled for Working Session, Planning Department staff and representatives from the Undergrounding Task Force expect to meet with the petition to further discuss a financial contribution towards undergrounding on Needham Street.
3. Fire Department. The Assistant Chief of Operations reviewed the proposed plans and finds them acceptable to the Fire Department.
4. Traffic Engineer. The City's Traffic Engineer has not completed his review and expects to submit to memorandum to the Land Use Committee at the scheduled public hearing.
5. Urban Design and Beautification Committee (UDBC). At its meeting on May 21, 2008, the UDBC reviewed plans for the proposed project and offered several comments regarding the features of the buildings and signs. There was general interest in making sure this building provides a sense of place and does not appear to be "an inward looking mall." The UDBC also noted the window wells that rise up two floors in certain spots were reminiscent of an older style department store and suggested instead, that there be some exterior relationship between the floors inside and the detailing outside and pointed to the building at 300 Needham Street, as a good example for its use of traditional materials in a more contemporary way that remains compatible with its surroundings. UDBC members made favorable comments regarding the sign package, however they were not asked to assess the signs on their individual merits as if they were approving them for exceptions to the City's Sign Regulations. Finally, UDBC members felt that a colored rendering of the proposed project would be helpful to better illustrate its appearance, once colors and materials have been selected.

E. Summary of Zoning Reliefs Sought

Based on the zoning review, dated March 3, 2008, the petitioner is seeking relief from or approval through:

- Section 30-19(m) for approval to waive parking and layout requirements for
 - > 30-19(d) to reduce parking requirement by two parking spaces
 - > 30-19(h)(2) to reduce parking stall dimensions where such stalls are encroached upon by building support columns as identified on parking layout plans
 - > 30-19(h)(3) to reduce the width of maneuvering aisles as noted on the plans from 24 feet. to 20 feet
 - > 30-19(h)(2)(c) to allow handicap stalls of less than 12 ft. x 19 ft.
 - > 30-199(J)(b) to allow some light spill over onto abutting properties and adjacent streets
- Section 30-20(f) to allow secondary signs in excess of 50 square feet
- Section 30-23 to approve site plans and to amend site plan as approved in BO#610-89
- Section 30-24 for a special permit to amend BO#610-89, to allow building greater than 20,000 square feet

SUMMARY OF PETITIONER RESPONSIBILITIES

At the public hearing the petitioner should plan to respond to all issues raised in this memorandum by the Planning and Development Department. In particular, the petitioner should:

- provide information on how the structure will meet the requirements of the "green" zoning criterion in Sec.30-24(d)(5);
- explain how site lighting will be managed to reduce the impact on the surrounding area;
- explain why the petitioner requires the extent of signage requested given the high visibility of the site and provide additional information about the banners;
- provide information as to how parking will be managed at the site;
- demonstrate that the cantilevered mechanical systems, reduced maneuvering aisles, intrusion of columns into the parking spaces, and non-compliant handicap spaces will not impact the usability of the parking garage; and
- provide information demonstrate compliance with the City's Tree Preservation Ordinance.

ATTACHMENTS:

ATTACHMENT A: Zoning Review Memorandum, May 9, 2008

ATTACHMENT B: Associate City Engineer Memorandum, June 5, 2008

ATTACHMENT C: Land Use Map

ATTACHMENT D: Zoning Map

Zoning Review Memorandum

Date: May 9, 2008

To: Alan Schlesinger, representing FB Needham Properties LLC.

From: Candace Havens, Chief Planner
Robert Merryman, Senior Planner

Cc: Michael Kruse, Director, Department of Planning and Development
John Lojek, Commissioner of Inspectional Services
Candace Havens, Chief Planner

Re: **Demolition and reconstruction of existing retail/restaurant building and parking facility**

Applicant: FB Needham Properties LLC.

<p>Site: 215-227 Needham Street.</p> <p>Zoning: Mixed Use 1 District</p> <p>Current use – Retail / retail / restaurant / parking garage</p>	<p>SBL: Section 51, Block 28, Lot 8 [Land Court Plan 19854F Lot 14]</p> <p>Lot Area: 70,836 sq. ft.</p> <p>Prop. use: retail/restaurant</p>
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Background:

On April 17, 1990 the Board of Alderman approved Board Order #610-89 to allow a three-level parking facility, 24,776 square feet of retail space and accessory office and storage space; a 90-seat restaurant and 2,389 sq.ft. of manufacturing space. On June 29, 1990, the City issued building permit #2442-646 for the construction of a retail store and restaurant operated by Filene's Basement and Pappa John's respectively.

As part of the project, the applicant seeks to demolish and rebuild the retail store and restaurant for the same uses, reconfigure the associated parking structure, and make changes as to signage. A new parking deck would be constructed on the roof and in the basement of the new building with access through the existing garage to Tower Road. The subject petition seeks to amend Board Order #610-89 and waivers as to building height.
(SEE: Attached Board Order #610-89)

Administrative determinations

1. *Section 30-15 Table 3 – Dimensional requirements for Commercial Districts*, establishes the applicable dimensional requirements for structures in a Mixed Use 1 zone. The proposal includes the following:

Zoning Compliance with 30-15 Table 3				
	Required/Permitted	Existing	Proposed	Complies
Minimum lot area	40,000 sq.ft.	70,837 sq.ft.	70,837 sq.ft.	Yes
Minimum frontage	80 ft.	530 ft.	530 ft.	Yes
Gross Floor Area Threshold Site Plan Approval	10,000 sq. ft.	33,779 sq. ft.	73,751 sq. ft.	Site Plan Approval Req'd Special Permit Req'd
Threshold by Special Permit	20,000 sq. ft.	33,779 sq. ft.	73,751 sq. ft.	
Setbacks				
Front (Needham)	Building Height 35.75 ft.	3.5 ft.(Building)	18.3 ft.	Averaging
Front (Tower)	Building Height 35.75 ft.	20 ft.(Garage) 37.5 ft.(Building)	20 ft. 20 ft.	Averaging Averaging
Side	7.5 ft	8.2 ft.	7.5 ft.	Yes
Rear	7.5 ft.	7.7 ft.	7.7 ft.	Yes
Maximum Stories	3	Building=2 Stories	Building=2 Stories	Yes
		Garage=3 Stories	Garage=3 Stories	Yes
Maximum Height	36 ft.	Building= 33 ft. Garage= 33.5 ft.	Building= 33 ft. Garage= 35.7 ft.	Yes Yes
FAR	1.5	0.48	1.04	Yes

The existing two-story retail/restaurant building and three-story parking garage were constructed in 1990 via a special permit. The site was zoned MU1, but along with a perimeter plan filed at the Middlesex Registry of Deeds, the owner could still maintain uses allowed within the Manufacturing District for four years.

The petitioner requests that the City allow this special permit to be amended, rather than requesting a new special permit. Retail and restaurant uses were approved by B.O. #610-89 and changes proposed relate to area and configuration of the building. Thus, the Planning Department and Commissioner of Inspectional Services find amendment of the existing special permit to be appropriate.

The petitioner also requests that the front setbacks for the site be determined using the averaging method as provided in footnote 30-15(d). This methodology has been confirmed by the Commissioner of Inspectional Services.

*As the definition of height now also includes structures it can be determined that the existing setback requirement is 33.5 feet, the height of the garage. The existing garage has a 20-foot setback (via Special Permit) and will be connected to the new building that will also have a 20-foot setback. * The petitioner stated that the Needham Street setback would be 18.3 feet, (No proof of the proposed setback or averaging setbacks has been provided by a Registered Surveyor! This fact lends credence to the petitioner's request for an amendment to the existing special permit with the retention of the 20-foot setback or as an Extension of Non-conforming use (structure) with the new setback requirement of 35.75 feet.*

- > The building setback on Needham Street will be increased substantially from 3.5 feet to 20 feet. (the petitioner has stated that this setback will be 18.3 feet- **no calculation by a Registered Surveyor has been provided**)
- > The building setback on Tower Road will be decreased substantially from 37.5 feet to 20 feet.

> The Garage setback on Tower Road will remain the same at 20 feet.

2. *Section 30-19(d)(10) and (15)* establish the required number of parking stalls for retail, restaurant, and storage uses establishment. Based on information provided by the applicant on the "Layout Plan," a total of 252 parking spaces are required.

Retail (42 employees) $61,747 \text{ s.f.} \times 1/300 \text{ s.f.} + 1/3 \text{ employees} = 206 + 14 = 220$

Storage $8,602 \text{ s.f.} @ 1/250 \text{ s.f.} = 4$

Restaurant (9 employees) $75 \text{ seats} \times 1/3 \text{ seats} + 1/3 \text{ employees} = 25 + 3 = 28$

Total 252

The proposal indicates that 254 spaces will be provided, distributed between the basement, at grade on the second floor deck of the garage on the upper floor deck of the garage, and on the roof of the retail building.

3. *Section 30-19(h)(2)* establishes the applicable requirements pertaining to HP stalls. The proposed ten total HP stalls exceed by one space, the number required per *Section 30-19(h)(2)(c)*. The dimensions of some of the handicap stalls are not indicated (garage basement, roof parking) and therefore, their compliance cannot be determined. Even where handicap spaces share a center strip the total dimension for two side-by-side handicap stalls must be 24 feet as required in the Zoning Ordinance.
4. *Section 30-19(h), (i) and (j)(2)* establish the applicable design, layout, landscaping, and parking requirements for parking facilities this size. Some of the maneuvering aisles are 20 feet where the requirement is 24 feet, necessitating a waiver under 30-19(m).

30-19 Parking Facility Design		
	Required	Proposed
Setback	5 ft.	7.5 ft. approved BO 610-89
Stall dimensions	19 ft. x 9 ft.	18 ft. x 9 ft. approved BO 610-89, all others 19 ft. x 9 ft., except where encroached upon by building support columns
Handicap stalls	$3\% \times 252 = 8$	10 provided
Handicap dimensions	12 ft. x 19 ft.	Less than 12 ft. x 19 ft.
Maneuvering aisles	24 ft. with 90 degree parking	Less than 24 ft. in places
Driveways	20-25 ft.	Dimension of entrance to garage is not marked
Bicycle Parking	1 per 10 parking spaces $252/10 = 25.2$	26 provided 15 spaces on City property

5. *Section 30-19(0)(1) and (2), Landscaping*, establishes the perimeter screening and interior landscaping requirements for parking facilities of this size. The submitted "Landscape Plan" describes a five-foot strip running along the three exposed sides of the parking structure and the plant schedule indicates that the evergreen materials are at least 3-1/5 feet high and, therefore, complies with the landscape screening requirements in 30-19(i)(1)(a).
6. *Section 30-19(j), Lighting, Surfacing, and Maintenance of Parking Facilities* establishes the lighting and other requirements for parking facilities of this size. The proposed photometric plan shows that

the parking facility lighting will maintain a minimum intensity of one foot-candle on the entire surface of the parking facility.

7. *Section 30-19(k), Bicycle Parking Facilities*, establish bicycle-parking requirements for parking facilities of this size. Twenty-six bicycle spaces are provided as required, with the spaces located close to the main entrance. **However, 15 bicycle spaces are located on City property and must be relocated onto the petitioner's lot.**
8. *Section 30-19(1), Off-street Loading Requirements* establishes the requirements for the number and size of loading bays required based on the square footage of the use. A retail trade establishment of between 51,000 and 100,000 sq.ft. requires two loading bays. The proposal shows a two 12 ft. x 35 ft. loading bays and two compactor bays on the ground level of the parking structure.
9. *Section 30-20, Signs and Other Advertising Devices*, establishes the applicable sign requirements. Sheet A101 shows a "pylon tenant sign" at the corner of Needham Street and Tower Road, but the same sign is not shown on the Site Plan Sheet 5. The property owner must clarify if he intends to install a new freestanding sign, requiring a special permit under 30-20(1), or if this is the same sign that currently exists and was approved under BO 610-89. **Again, the petitioner has located a freestanding sign on City property and must be relocated onto the petitioner's lot.**
10. **The submitted site plans depict a future taking of the corner of Tower Road for widening the petitioner has proposed significant landscaping improvements, retaining walls, stamped concrete plaza and a clock tower on the area in question.**
11. See table "Zoning Relief Summary" below.

Zoning Relief Summary		
Ordinance		Action Required
	Layout	
30-13(b)(1)	Requires a special permit for an additional retail store	X
30-13(b)(3)	Requires a special permit for a storage facility	X
30-13(b)(1)	Requires a special permit for restaurants which hold a Common Victualler —All Alcoholic or Wine/Malt Beverages License	TBD
	Parking	
30-19(h)(2) 30-19(m)	Approval of waiver to reduce certain parking stall dimensions where such stalls are encroached by building support columns as identified on parking layout plans	X
30-19(h)(3) 30-19(m)	Approval to reduce the width of maneuvering aisles as noted on the plans from 24 ft. to 20 ft.	X
	Lighting	
30-19(j)(b) 30-19(m)	Approval of waiver to allow some light spill over onto abutting properties and adjacent street	X
	Sign	
30-20(f)	Regulation of signs in commercial districts	TBD
30-20(1)	Approval of special permit to install a freestanding sign at Needham Street and Tower Road	TBD
	Non-conforming Use	
30-21(b)	Nonconforming building may be enlarged provided a special permit is obtained	X
	Site	
30-23	Approval of site plan, landscaping plan, lighting plan, and related plans.	X
30-23	Amendment of site plan as approved in BO #610-89	X

	Special Permit	
30-24(d)	Approval of special permit to amend BO #610-89	X
30-24(d)(5)	For Special Permit for a building greater than 20,000 sq. ft	X
30-24 (b)	Submission of massing model depicting all properties located within 500 ft.	X
Reference materials		

- Board Order #610-89, April 17, 1990. Site plan, waivers and special permit for development of three-story parking garage.

Study Reviewed:

- Traffic Impact and Access Study, Proposed Retail Redevelopment, Paragon Place, dated April 2008 prepared by Vanasse & Associates, Inc., 10 New England Business Center Drive, Suite 314, Andover, MA. 01810.

Plans reviewed:

- Plan entitled "215,217 Needham Street, Proposed Layout Submitted December 13, 1989" and revised March 30, 1990. Said plan was filed with Board Order #610-89.
- Plans entitled "Site Development Plans for Paragon Place" at 215-227 Needham St. by Needham Street Acquisitions, LLC, dated 4/11/08; Sheets 1,3,4,5&6 prepared by Kelly Engineering Group, Inc., 0 Canpanelli Drive, Braintree, MA 02184; stamped and signed by David Noel Kelly, Registered Professional Engineer.
 - > Sheet 1 entitled **Location Map**
 - > Sheet 3 entitled **Overall Layout Plan**
 - > Sheet 4 entitled **Layout Plan & Zoning Legend** (*Revised 4/25/08*)
 - > Sheet 5 entitled **Site Plan**
 - > Sheet 6 entitled **Detail Sheet**
- Plan entitled "Site Development Plans for Paragon Place" at 215-227 Needham St., by Needham Street Acquisitions, LLC; dated 4/11/08; Sheet 2 prepared by Kelly Engineering Group, Inc., 0 Canpanelli Drive, Braintree, MA 02184; stamped and signed by Steven M. Horsfall, Professional Land Surveyor.
 - > Sheet 2 entitled **Existing Conditions**
- Plans entitled "Paragon Place" 215-227 Needham St. dated 4/14/08; Sheets L-1, L-2, D-1 & D-2 prepared by Hawk Design, Inc., 227 Main Street, Boston, MA 02129; stamped and signed by Thomas E. Miner, Registered Landscape Architect.
 - > Sheet L-1 entitled **Planting Plan -NW**
 - > Sheet L-2 entitled **Planting Plan -SE**
 - > Sheet D-1 entitled **Planting List and Planting Details**
 - > Sheet D-2 entitled **Planting Notes**
- Plans entitled "Paragon Place," 215-227 Needham St. dated 4/11/08; Sheets A-100-103, A201-202, A301 & AES1 prepared by Steffian Bradley, Architects, 100 Summer Street, Boston, MA 02110; stamped and signed by Alicia T. Caritano, Registered Architect.

> Sheet A-100 entitled **Basement**

- > Sheet A-101 entitled **Ground Floor Plan**
 - D Sheet A-102 entitled **Second Floor Plan**
 - D Sheet A-103 entitled **Roof Parking Plan**
 - D Sheet A-201 entitled **Elevations N, E**
 - > Sheet A-202 entitled **Elevations S, W**
 - > Sheet A-301 entitled **Building Sections**
 - > Sheet AES1 entitled **Photometric**
- Plan entitled "Paragon Place," 215-227 Needham St. by Needham Street Acquisitions, LLC, dated 4/24/08; prepared by Kelly Engineering Group, Inc., 0 Canpanelli Drive, Braintree, MA 02184; stamped and signed by David Noel Kelly, Registered Professional Engineer.
 - > Plan entitled "Average Grade Plane Calculation"

**CITY OF NEWTON
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghlia, Associate City Engineer

Re: Special Permit – 215-227 Needham Street

Date: June 5, 2008

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Jean Fulkerson, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Paragon Place
215-227 Needham Street
Newton, MA
Prepared by: Kelly Engineering Group, Inc.
Dated: 4-11- '08
Revised: 5-13- '08
5-23- '08*

Access:

- > A peer review by McMahon Associates [the City's consultant designing Needham Street] will be required for the proposed alignment and future modification of Tower Road & Needham Street, and any associated signalization.

Sidewalk Enhancement:

- > The proposal indicates a 3' wide paver band in lieu of a loam border; rather than individual pavers, it is recommended that a stamped concrete pattern (dyed to a brick color) be installed to avoid differential settlement of individual pavers. The applicant would need a license agreement with the City that would clearly indicate that the applicant would be responsible for future maintenance of the "paver band" regardless of the construction method.

Drainage:

1. It appears that the proposal has less impervious area than the existing condition, however; City policy has been to introduce on-site infiltration whenever possible to recharge groundwater. Based upon a meeting with the engineer of record, there is concern with this issue. On site infiltration with an underground garage may be difficult to keep water from entering the below grade parking facility. The idea of offsite drainage improvement(s) was discussed and various options will be investigated by the City and applicant.
2. As the site is over 1-acre, a National Pollution Discharge Permit (NPDES) will be required for the construction.
3. When a connection to the City's drainage system is proposed, prior to approval of this permit a Closed Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of the connection to the drainage system a Post — Construction video inspection shall also take place and witnessed as described above.
4. A hydraulic capacity of the downstream drainage system needs to be evaluated and submitted to the Engineering Division to determine any impact to the municipal drainage system.
5. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be submitted for review. The final approved O&M plan shall be adopted by applicant, incorporated into the deed; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
6. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to catch basins, and pipes are the sole responsibility of the applicant.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Electric

- An existing utility pole is located at the southwestern corner of the property. The plans need to be updated as to how the power for this utility pole is provided.

Water & Sewer:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. The domestic and fire suppression systems must have separate service connections to the City main.
3. An existing 3" water service is currently on the site, clarification is needed as to what building this line services.
4. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
5. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The

Engineering Division must inspect this work; failure to having this work inspected my result in the delay of issuance of the Utility Connection Permit.

6. Use City of Newton Details in lieu of the details submitted.
7. All utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) excavatable Type IE; detail is available in the city of Newton Construction Standards Detail Book.
8. Proper maintenance of the proposed 3,000-gallon grease trap needs to be strictly enforced as the sanitary sewer system has numerous restaurants along this alignment. Inspection of the system must be coordinated with the Health Department.

General:

1. How will trash collection for the site be provided.
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing permits with the MassHighway Department for Needham Street & the City for Tower Road; prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for Utility Connection Permit with the DPW prior to any construction. *This note must be incorporated onto the site plan.*
6. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
7. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*

8. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

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MR2 MR1
MR1
inf MR1 mR1
mR143/ niFti
MR1 & 4'
55' AP" 46;
MR1

MR1

MR1

BU2

TOWER

PAUL

233N/111

216
231

ill85, no 1

1

180

188
192MU1

gl MU1

MU1

230
mul

442

1VU1

45

161

170

Zoning

215-227

Needham Street

Legend

Building Footprints

Single Res. 1

Single Res. 2

71 Single Res. 3

1 Business 1

Business 2

Multi-Res. 1

7:1 Multi-Res. 2

Multi-Res. 3

Multi-Res. 4

Mixed Use 1

Mixed Use 2

S1 OS/Rec.

Public Use

NEWTON
GIS

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The information on this map is from the
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information. Each user of this map is rest
for determining its suitability for his or her
purpose. City departments will not nee
approve applications based solely on GI

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Feet

June

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